

Remarks/Arguments

This response is to the Office Action dated May 17, 2004.

Claims 1, 2, 4-15, 18, 19 and 27 remain in this application.

Claim 1 has been rejected under 35 USC 112 first paragraph. The amendment to claim 1 which is clearly supported by the specification, for example at Page 3 line 14 to Page 4, line 22 overcomes this rejection.

Claims 2, 4 and 9 have been rejected under 35 USC 102(e) in view of Towe et al.(US 6,235,166B1). It is argued that Towe et al teaches a screen with a seal around the openings formed through the screen. Applicants disagree.

Towe et al shows an elastomeric spacer 10 that has a series of holes formed through it such as 20 and 22. It also shows and discusses a mesh 26 in one embodiment. That mesh 26 is connected to only the innermost section of the spacer at the inner edge 18 (see Figure 2b, right side of figure and Col 5, lines 52-57). The mesh also has discontinuities or gaps 28 that are between the mesh 26 and the perimeter 12 to form throughbores (Col 6, lines 20-24). As can bee seen from the Figures, especially Figure 2a, there are no openings in the mesh as required by the claim. Instead the mesh stops short as areas of discontinuities. There is no seal extending around and through the screen openings as is required by claim 1 as can be clearly seen by Figure 2a. Openings 20 and 22 have no screen in or near them and they are formed only through the elastomeric spacer material. Discontinuity 28 contains no screen, in fact the text says the mesh stops short of the discontinuity 28. Further it contains no seal through the screen as required by the claims. In fact the only area of the

discontinuity 28 that has a screen even near it shows no gasketing material at all. As such the reference fails to teach each and every element of the claim and is not an anticipatory reference.

Claims 1,2 4-15, 18 and 19 have been rejected under 35 USC 103(a) over Pearl et. al. in view of Towe et. al. Applicants disagree.

It is stated that Pearl teaches a filter with one or more openings and a thermoplastic material around the openings with a thickness greater than the filter. Pearl doesn't teach or suggest the use of thermoplastic elastomers but that Towe does and therefore it would have been obvious to use the material of Towe in Pearl.

As discussed above Towe does not teach or suggest forming integral gaskets around openings through a screen or filter. To the contrary, it shows the opposite, that the screen does not contain an opening but rather a discontinuity and the "opening" is formed only in the elastomeric material, that there is no gasket extending through the screen and moreover the gasket is not proud of the screen. Pearl likewise only shows the use of molding seals around and "selectively" into the layers and to form a peripheral edge around the module. It does not teach or suggest forming a free standing gasket or seal around an opening that stands proud of the screen or filter in which it is formed. Even if one were to use the material of Towe in the device of Pearl, one wouldn't obtain the present invention

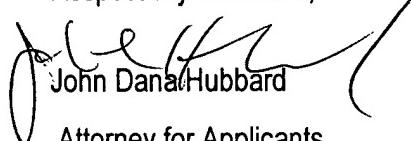
Claim 27 has been rejected under 35 USC 103(a) over Wantanabe. Watanabe teaches the use of two O-rings "fitted around" the outer circumference of the lid of its device. It is the classic method of using O-rings and it suffers the same issues, namely, the potential for displacement or damage during handling and the ability to leave recesses available for bacterial growth behind and beside the O-ring fitted into the grooves. . There is nothing in the reference to each or suggest that

one could form the O-Rings in the recesses directly rather than as separate elements that are "fitted around" the lid. As such, the present claim is not suggested by Watanabe.

Additionally, in response to Applicants last set of arguments regarding claim 27 the current office action states that the "there is nothing in the reference that teaches that O-rings could not be formed in the recesses directly". Applicants disagree for the same reasons stated above. One of ordinary skill in the art in viewing the term "fitted" would understand that one is to insert a separate preformed O-ring into the grooves and then adjust its position therein. By fitting the O-ring into the groove, there is a teaching away in the reference to one of ordinary skill in the art from one using an O-ring that is formed directly in the recess to begin with.

Reconsideration and allowance are respectfully requested in view of the foregoing amendment and remarks.

Respectfully submitted,



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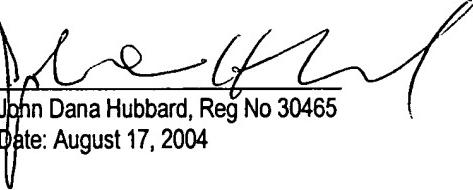
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